

Notice of Allowability

Application No.

10/518,658

Examiner

Jacob Y. Choi

Applicant(s)

ALESSIO, DAVID J.

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 15, 2007.
2. ☒ The allowed claim(s) is/are 3-10, 12-15 and 17-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

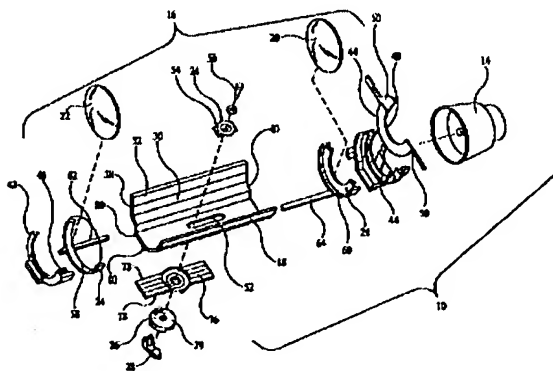
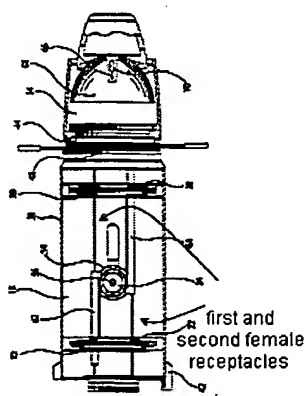
Independent claims **3, 10, 12 and 17** recite detailed structure of "... *the adjusting mechanism comprises a cylindrical barrel member and a pair of sleeve member, wherein first and second female receptacles are provided on one of the cylindrical barrel member and the pair of sleeve members, and first and second male members are provided on the other of the cylindrical barrel member and the pair of sleeve members, and wherein the first and second male members travel within the first and second female receptacles so that when the cylindrical barrel member is rotated the pair of sleeve members move axially relative to each other."*

Because none of the prior art references disclosed the structural details and its functions of the cylindrical barrel member and pair of sleeve/slot members, nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record.

Esakoff et al. (USPN 6,092,914) teaches a light source (e.g., 66) for generating a light beam, a first magnifier lens (e.g., 20 or 22) disposed in the path of the light beam, a second magnifier lens (e.g., 20 or 22) disposed in the path of the light beam, and an adjusting mechanism (e.g., 24, 60, 64, 58, 62; Figure 1) adjustable (e.g., column 2, lines 15-25; "... *a positioning mechanism, mounted on the housing, is configured to control the position of the first and a second optical components with respect to the illuminator*

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... etc.") to move the first and second magnifier lenses relative to the light source (e.g., 66) to adjust size of the light beam (e.g., columns 1-2; "... a conveniently adjusted lighting fixture configured to project and image a high-intensity at a distant location with a variable beam spread and a variable image distance ... etc.) and provide a substantially uniform light beam, wherein the adjusting mechanism comprises a rotatable member (e.g., Figure 6) and first (e.g., 62) and second (e.g., 64) male member that slide the two lenses (e.g., 20, 22) of the optical system along the lens tube (e.g., 30) so that when the rotatable member (e.g., Figure 6) is rotated the first (e.g., 20) and second (e.g., 22) magnifier lenses move axially relative to each other (e.g., columns 4-5, lines 60-10; "... Sliding the two lenses 20, 22 of the optical system along the lens tube 30 causes the optical system's focal point to move longitudinally with respect to the illuminator 14, and thus to move longitudinally with respect to the illuminator reflector's second focal point ... etc."). And Esakoff et al. clearly suggest that the two lenses slide the optical system along the lens tube (e.g., column 4, lines 60-65) and show the first and second male members that travel within the first and second female receptacles (e.g., Figures 3-5).



2. Claims **3-10, 12-15 and 17-22** are allowed.
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

4. Examiner acknowledges that the applicant has amended claims 3, 4, 6, 7, 15, 17 and 18, canceled claims 1, 2 and 16. Previously objected claims 3 and 17 are now amended to include all of the limitations of the base claim and any intervening claims. Currently, claims **3-10, 12-15 and 17-22** are pending in the application.

Response to Arguments

5. Applicant's arguments, see pages 8-9, filed January 15, 2007, with respect to claims 1, 2, 6-9, 16 and 20-22 have been fully considered and are persuasive. The claim objections and claim rejections - 35 USC § 103 of November 21, 2006 has been withdrawn.

Conclusion

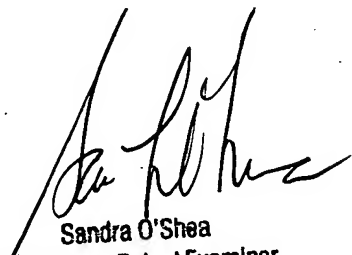
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Suk Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacob Y Choi
Examiner
Art Unit 2885

JC



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800